

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

WALDEMAR E. ALBERS REVOCABLE)	
TRUST, <i>et al.</i>)	
)	
Plaintiffs)	
)	No. 3:07-0421
v.)	Judge Sharp/Brown
)	
MID-AMERICA ENERGY, INC.;)	
<i>et al.</i> ,)	
)	
Defendants)	
)	
In re: Joseph Coll)	

TO: THE HONORABLE KEVIN H. SHARP

REPORT AND RECOMMENDATION

For the reasons stated below, the Magistrate Judge recommends that the Receiver's Motion for an Order to Approve Claim of Joseph Coll (Docket Entry 417) in the Amount of \$19,500 be APPROVED.

BACKGROUND

Originally, the Plaintiffs sued a series of companies to recover funds misappropriated by various of the Defendants, as a result of a failed oil partnership. The Plaintiff secured money judgments against the Defendants in substantial amounts (Docket Entry 41). The Receiver (Docket Entry 109) appointed to administer the matter has been attempting to collect funds from which the various Plaintiffs' claims may be satisfied. In doing so, a claim process was established and individual investors were allowed to submit claims (Docket Entry 259). Mr. Coll submitted a substantial claim, which the Receiver initially denied (Docket Entries 284 and

310). After a hearing (Docket Entry 388) by the Magistrate Judge during which Mr. Coll appeared and testified, the Receiver submitted a motion for an order to approve the claim of Mr. Coll in the amount of \$19,500 based on documentation submitted to the Receiver by Mr. Coll.

The motion for approval of the claim(Docket Entry 417) was filed on December 30, 2011. As of the date of this Report and Recommendation no objection to the motion has been filed.

RECOMMENDATIONS

The Magistrate Judge believes, based on the evidentiary hearing, that this motion is appropriate and accordingly recommends that it be **APPROVED** as submitted.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTERED this 2nd day of February 2012.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge